

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of the
Application of

RICHARD A. BURTON
Harbor City, California

For Amateur Station
and Operator Licenses

PR Docket No. 92-144

RECEIVED

AUG 7 - 1992

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Chief Administrative Law Judge Joseph Stirmer

BUREAU'S COMMENTS ON APPLICANT'S MOTION TO CHANGE VENUE

1. On July 29, 1992, the applicant filed the attached "Motion To Change Venue." The motion was improperly directed to the presiding Administrative Law Judge rather than to the Chief Administrative Law Judge, as required by Section 0.351(d) of the Commission's Rules, 47 C.F.R. § 0.351(d). Additionally, the respondent's motion was not accompanied by proof of service, as required by Section 1.47(g) of the Commission's Rules, 47 C.F.R. § 1.47(g).

2. The applicant's motion is defective and, therefore, does not require a response. The applicant has informed the Private Radio Bureau that he is now represented by counsel, who plans to file a new motion.

3. Additionally, the Bureau believes that a new motion to change the location of the hearing would be premature until the disposition of the Bureau's pending motion for summary decision.

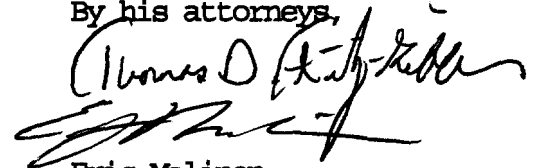
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Respectfully Submitted,

Ralph A. Haller

By his attorneys,

Two handwritten signatures are present. The top signature is in cursive and appears to read 'Thomas D. Fitz-Gibbon'. The bottom signature is also in cursive and appears to read 'Eric Malinen'.

Eric Malinen

Thomas D. Fitz-Gibbon

Attachment

Dated:

Certificate of Service

I, Kimberly Thomas, certify that on August 7, 1992, a copy of the foregoing
COMMENTS ON APPLICANT'S MOTION TO CHANGE VENUE, filed on behalf of the
Chief, Private Radio Bureau, was sent by First Class Mail to:

Kenneth Kahn, Esquire
225 Santa Monica Boulevard
Suite 904
Santa Monica, California 90401

Edward J. Kuhlman
Administrative Law Judge
Federal Communications Commission
2000 L Street, N.W., Room 220
Washington, D.C. 20554
(Hand-carried)

Joseph Stimmer
Chief, Administrative Law Judge
Federal Communications Commission
2000 L Street, N.W., Room 224
Washington, D.C. 20554
(Hand-carried)

Kimberly Thomas

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OFFICE OF THE SECRETARY

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JUL 29 1992

July 27, 1992

Richard A. Burton
1653 W. Anaheim Street #7
Harbor City, CA 90710
(310) 530-3544

FCC MAIL BRANCH

PR DOCKET NO. 92-144 (MOTION TO CHANGE VENUE)

The Honorable Edward J. Kuhlmann
Administrative Law Judge
Federal Communications Commission
2000 L Street, Room 224
Washington, D. C. 20554

Dear Judge Kuhlmann:

I would like to take this opportunity to thank you and the Commission for allowing me, your valuable time, and the chance to present my case. I received Judge Joseph Stirmer's order (FCC 92M-772) in which, he has scheduled a hearing for September 8, 1992 at 10:00 a.m. in Washington, D. C.

I would like to petition the court for a: MOTION TO CHANGE VENUE. Pursuant to 47 U.S.C. § 311 (b) "Place of hearing". Which states, in part, "....the Commission shall consider whether the public interest, convenience, or necessity will be served by conducting the hearing at a place in, or in the vicinity of, the principal area to be served by the station involved." Moving the venue from Washington, D. C. to the U.S. Courthouse at 312 North Spring Street, Los Angeles, CA 90012 will only reinforce the meaning of the public interest, convenience or necessity. My request is not frivolous as I shall try and explain for the court.

On December 21, 1991 I was admitted to Harbor - U.C.L.A. Medical Center, Torrance California 90509, for emergency treatment of a life-threatening illness. I suffered from: acute respiratory failure, obesity induced hypoventilation, ventricular heart failure, edema, lucid lethargy, and a severe confusional state. Treatment progressed after a prolonged stay in the hospital. Doctor Scott Rosenberg, my attending physician, ordered the placement of a tracheostomy tube in my neck in an effort to relieve my breathing difficulties. The operation was completed on January 7, 1992 and I was released on January 15, 1992. Doctor Rosenberg has expressed a desire that I remain close to the hospital barring any complications. I now suffer from shortness of breath, fatigue and obesity. Flying to Washington, D. C. is out of the question.

Next, the out of pocket expenses of flying to Washington, D. C., renting a hotel room plus a car and food are beyond my means. And if you count the added expenses of flying any witnesses plus an attorney I could not possibly afford defending my case. Your Honor,

(1)

I have been living on California State Disability for almost a year and the coverage will end in September of this year. Also prior to being disabled I was unemployed for almost six months.

This whole process is happening at such a rapid pace I wish it could be slowed down. I am not an attorney nor have I been able to find one, in the Los Angeles area, who knows anything about administrative law or the FCC. Then I have the problem of finding one which will take the case pro-bono.

In closing, Judge Kuhlmann, I hope you will be benevolent in granting my motion for a change of venue, as I believe it will be in the public interest convenience and necessity, and also a continuance of time so that I may put together my case in a proper prospective.

Again, thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard A. Burton".

Richard A. Burton